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November 22, 2016

VIA ECF

The Honorable James Donato  
United States District Court for the Northern District of California  
450 Golden Gate Avenue  
Courtroom 11, 19th Floor  
San Francisco, CA 94102

Re: *In re Capacitors Antitrust Litigation*, Case No. 14-cv-03264-JD

Dear Judge Donato:

Matsuo Electric Co., Ltd., Nichicon Corporation, and Nippon Chemi-Con Corporation (collectively, “Defendants”) file this brief statement in accordance with the Court’s order to explain the filing, withdrawal, and refiling of their discovery letter brief. (Dkt. No. 1400).

Defendants filed their original letter brief on Friday, November 11, to inform the Court the U.S. Department of Justice (“DOJ”) had changed its position concerning certain witnesses’ depositions in Vancouver from its stated position at the case management conference on October 6, 2016. (Dkt. No. 1384). Shortly after the filing, Plaintiffs requested that Defendants withdraw the letter to allow for further discussions about the location of these depositions. Although Defendants believed the parties had already sufficiently met and conferred regarding the DOJ’s changed position and the deposition dispute, Defendants nevertheless wanted to provide Plaintiffs the opportunity to discuss this issue further. Defendants believed that, given the importance of this issue, it was worthwhile to entertain all opportunities for resolution that avoided involving the Court and therefore withdrew their discovery letter brief. (Dkt. No. 1389).

Defendants and Plaintiffs subsequently discussed the issue further on Tuesday, November 15, but consistent with prior conversations were unable to reach agreement concerning the location of the depositions. Following Plaintiffs’ reaffirmation of this impasse, Defendants refiled their letter brief updated only to reflect their additional discussion with Plaintiffs. (Dkt. No. 1397).

Accordingly, the deposition dispute is ripe for adjudication and Defendants request the Court to grant a protective order modifying the location and/or format of the depositions, and deny Plaintiffs’ renewed motion for sanctions.

Respectfully submitted,

DENTONS US LLP

/s/ Bonnie Lau

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On behalf of all undersigned Defendants

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Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the above signatories.

By: /s/ Bonnie Lau  
Bonnie Lau